

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
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FISCAL IMPACT STATEMENT

LS 6413

BILL NUMBER: SB 95

DATE PREPARED: Nov 19, 1998

BILL AMENDED:

SUBJECT: Motor vehicle stops.

FISCAL ANALYST: James Sperlik

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FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill allows a law enforcement officer who is not in uniform or operating a marked police car to make a traffic arrest involving a felony or a misdemeanor that involves a breach of the peace.

Effective Date: July 1, 1999.

Explanation of State Expenditures: The specific fiscal impact for law enforcement officer is not quantifiable and will depend upon the number of stops (arrests) made by officers out of uniform that might otherwise not have been made. This would affect the State Police, the Conservation Officers of the Department of Natural Resources, and the Excise Police of the Alcoholic Beverage Commission. The funds affected are the State General Fund, the Motor Vehicle Highway Account, and the Motor Carrier Regulation Fund for the State Police. For the Conservation Officers, the funds affected are the State General Fund and the Fish and Wildlife Fund. For the Excise Officers, the fund affected is the Enforcement and Administration Fund.

There could be additional costs associated with incarceration. By way of example, A Class A felony is punishable by a prison term ranging from 20 to 50 years depending upon mitigating and aggravating circumstances. The average expenditure to house an adult offender was \$20,500 in FY 97. Individual facility expenditures range from \$11,000 to \$27,000. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually or \$5 daily per prisoner. The average length of stay in DOC facilities for all Class A felony offenders is approximately seven years, ten months. Class B, C, and D felonies have differing prison terms which might affect the average length of stay.

Explanation of State Revenues: The additional revenue which may be generated by these newly authorized arrests will depend upon the number of convictions and the category of the conviction, for example; felony or misdemeanor

For example, if additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund could increase. The maximum fine for a Class A felony is \$10,000. Criminal fines are deposited in the Common School Fund. If the case is filed in a circuit, superior, county or municipal court (courts of record), 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

If a criminal action, infraction or ordinance violation involves a traffic violation, including this proposed offense, a highway work zone fee of either 50 cents or \$25.50 is assessed.

Class B, C, and D felonies all have the same maximum fine and are deposited in the Common School Fund.

Misdemeanor revenue ranges from \$500 to \$5,000, depending upon the category of the violation, and is deposited in the Common School Fund.

Explanation of Local Expenditures: If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. The average cost per day is approximately \$44.

Explanation of Local Revenues: If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed, and if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed, and if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

State Agencies Affected: Department of Correction; State Police; Department of Natural Resources-Conservation Officers; Excise Police.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Indiana Sheriffs Association, Department of Correction.